(16)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Division Bench

Coram:- Hon'ble Shri Jagdish Bhalla, Acting C.J. &
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A (C) No.540 of 2007

Appellants
Claimants

1. Kuharami Lache, W/o Shri Kuharami Hidma, aged about 22 years
2. Kuharami Deva, S/o Late Shri Kuharami Hidma, aged about 1 years
3. Kyharami Budha, S/o Late Shri Deva, Aged about 45 years
4. Kurami Pise, W/o Kuharami Budha, aged about 40 years

All appellants R/o Village Lakhapara Rakel, Thana Kukanar, District Dantewada (CG)

VERSUS

Respondents
Non-applicants

1. Kurami Gangaram
S/o Devaram Kurami, R/o Dhobanpal, Thana Sukma, District Dantewada (CG)
(Owner of Vehicle)
2. The New India Insurance Company Ltd.
Through the Branch Manager, Near Jhankar Talkies, Jaipur road, Jagdalpur (CG)

Appeal under Section 173 of Motor Vehicle Act 1988

Present: Shri Alok Dewangan, counsel for the appellants.

ORAL ORDER
(Passed on 18th June, 2007)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J.**

Heard.

(1) Being aggrieved by the impugned award dated 24.01.2006 passed by Court of learned Additional Motor Accidents Claims Tribunal,

(17)

Dantewada in claim case No.127/2005, the appellants have preferred this appeal.

(2) The only point urged by the learned counsel for the appellants in this appeal for enhancement of compensation in a death case is that the daily wage of the 25 year old deceased Madvi Deva, a tribal living in a remote tribal area of Sukma in Dantewada was wrongly taken at Rs.80/- by the learned Tribunal. Learned counsel for the appellants did not assail the compensation awarded under the conventional heads by the learned Tribunal.

(3) Having heard the learned counsel for the appellants and after perusing the impugned award, we are of the well considered opinion that the learned Tribunal has, in the facts and circumstances of the case, rightly assessed the daily income of the deceased at Rs.80/- and assessed loss of dependency at Rs.2,88,000/-.

(4) In this view of the matter, adding the amount already awarded by the learned Tribunal under conventional heads, the compensation of Rs.3,73,000/- awarded by the Tribunal is, in our well considered opinion, just and reasonable compensation and calls for no interference.

(5) As a result, the appeal being devoid of any merit, is dismissed.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya